# TOWN OF EDGEWOOD ORDINANCE NO. 2007-11

# AN ORDINANCE ESTABLISHING COMMERCIAL C-2 ZONE DISTRICTS FOR CERTAIN LANDS ANNEXED TO THE TOWN OF EDGEWOOD, NEW MEXICO. (Lands as specified in "exhibit A")

WHEREAS: a public hearing, or hearings regarding this ordinance have been published and held in conformance with the requirements of State law; and

WHEREAS, certain lands as specified in exhibit "A" have been duly annexed to the Town of Edgewood in conformance with § 3-7-17 and § 3-57-5, NMSA 1978, Annotated; and

WHEREAS; the Town Council has determined that the land uses proposed for said lands are compatible with the Comprehensive Plan of the Town of Edgewood; and

WHEREAS, the Town Council has determined that the land uses proposed for said lands preserve or enhance the integrity and character of the area, and the utility and value of the property and of the contiguous zoning districts within the Town; and

WHEREAS, the Town Council has determined that the land uses proposed for said lands will promote and not be detrimental to the public health, safety, or general welfare of the Town;

THEREFORE: BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

Any and all such lands specified herein, which have been duly annexed to the Town of Edgewood, are hereby zoned as designated on the map(s) attached hereto in conformance with the Comprehensive Zoning Ordinance of the Town of Edgewood.

APPROVED, PASSED AND ADOPTED this 7th day of February 2007 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

Mayor/Howard Calkins

Town Administrator / Jeff Cond



#### TOWN OF EDGEWOOD

Where the Mountains Meet the plains

#### **COMMUNITY PLANNING & DEVELOPMENT**

P.O. Box 3610

Edgewood, NM 87015-03610 Phone: 505-286-4518 ext. 3

Fax: 505-286-4519

January 18, 2007

Dear Landowner,

Our records indicate that you are an adjoining landowner to the following applicant:

Request for zoning clarification on 18.39 acres of commercial zoning located on the south side of Frost road and west side of Highway 344.

The public hearing will be held on Wednesday February 7, 2007, in the Edgewood Community Center (27 E. Frontage Road) during the Town Council Meeting. The meeting will begin at 6:30 pm.

If you cannot be present and wish to have your comments heard, you can reach me by phone or fax at the numbers above.

Sincerely,

Karen Mahalick

Community Planning & Development

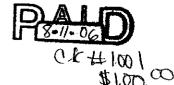
Howard Calkins Mayor

Glenn Felton Brad Hill Chuck Ring Rita Loy Simmons Town Councilors

Jeff Condrey
Town Administrator

Wm. H. White Municipal Judge

Karen Mahalick Community Planning & Development Manager





### PETITION FOR ANNEXATION

Pursuant to NMSA 1978, 3-7-17, the undersigned petitioner(s) requests that the Town of Edgewood, by ordinance, grant this petition for annexation of land(s) contiguous to the municipal limits.

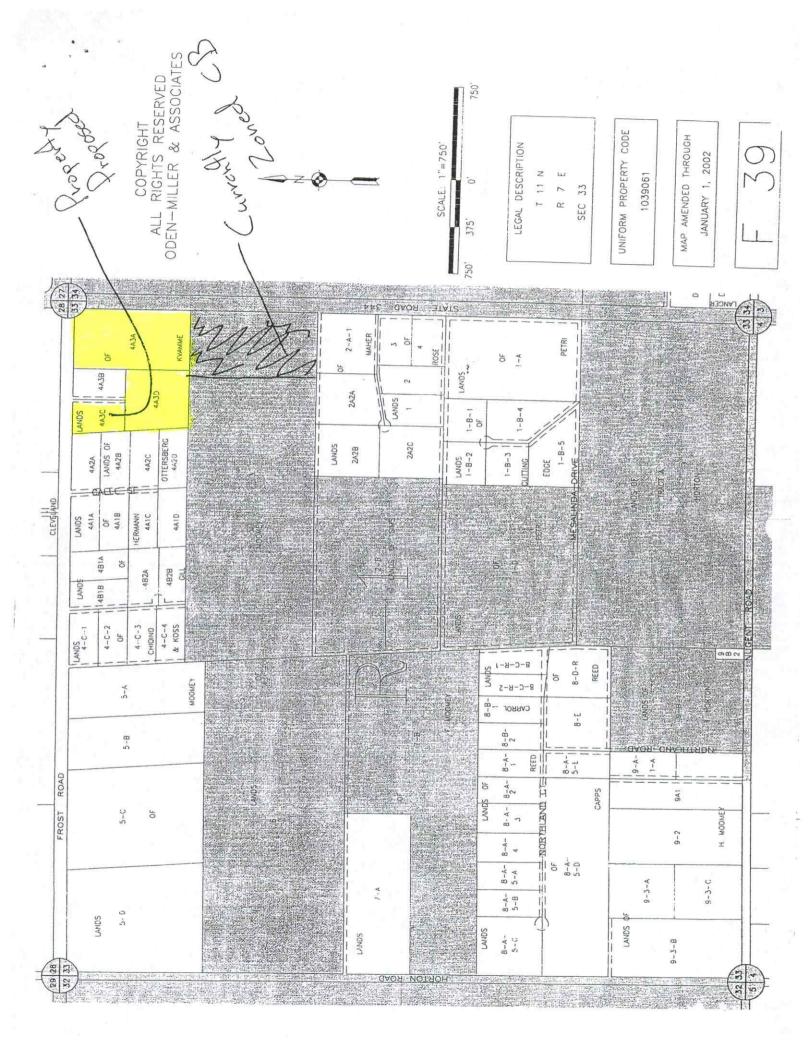
TOLL	Tiston Talanhana 220-5890
Petitioner(s):	reichnone.
	owner, must also provide notarized statement of authorization from owner.)
Mailing Address: 194	3 Huy 333 Ste B
_ Edge	wood', NM 87015
ن	
	710.0
Signature:	Date: 7-18-06
Signature:	Date:
I FCAI DESCRIPTION O	F PROPERTY: (Attach additional sheets as necessary.)
TATIN R 7E	FIRVIER 1: (Attach additional sheets as necessary.)
1++10 1/21	14-4-3-C/4-A-3-D
1K 4-A-3-A	14-4-5-C/4-45-D
	10 30
TOTAL ACREAGE OF PI	ROPERTY:
-	< n
REQUESTED ZONING D	ESIGNATION FOR PROPERTY:
Please note that the final zoning designat	tion by City Council may differ from the requested designation.)
INSTRUCTIONS: Type or	print clearly on this form and attach a map showing
the external boundary of t	he territory proposed for ANNEXATION, and its
relationship to the existing	boundary of the TOWN of EDGEWOOD. Territory
proposed for annexation must	t be contiguous to the existing limits of the TOWN.
	·

NOTE:

Although deemed effective at the time of filing with the County Clerk, annexations do not become complete until 30 days (thirty) after such filing, being subject to public appeal in District Court during said period.

#### PETITION REQUESTING THE TOWN OF EDGEWOOD TO ANNEX A CERTAIN TERRITORY

Pursuant to NM	SA 1978, §3-7-17 the unde	rsigned petitioners request that the
Town of Edgewood, by	ordinance, grant this petition	n and annex approximately $\mathcal K$
acres of territory contig	n en	Attached to
this Petition as Exhibits	"A" and "B", are two maps,	the first being a map showing the
		nnexed and the relationship of this
area to the existing To	own boundaries and the se	econd being a map showing the
boundaries of the territor	y proposed to be annexed.	The undersigned petitioners own a
majority of the number of	acres in the area proposed	for annexation.
	Ett Ang t	tw 7-11-26
Signature	Print Name	D/ate /
Owner of approximately	Sacres in the area propose	ed for annexation.
Signature	Print Name	Date
Owner of approximately _	acres in the area propose	d for annexation.
		목가를 받으면 있는데
Signature	Print Name	Date
Owner of approximately	_ acres in the area proposed	for annexation.
Signature	Print Name	Date
Owner of approximately	_ acres in the area proposed	for annexation.
Signature	Print Name	 Date
Owner-of approximately	acres in the area proposed	for annual



#### AGENDA TOWN OF EDGEWOOD

## REGULAR COUNCIL MEETING – FEBRUARY 7, 2007 @ 6:30 P.M.

**Please Silence All Electronic Devices** 

WORK SESSION: 6:00 P.M. – No Action – Open to the Public and Media to be held at the Community Center.

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

APPROVAL OF THE AGENDA.

#### APPROVAL OF THE MINUTES.

- 1. Regular Council Meeting Minutes of January 17, 2007.
- 2. Special Council Meeting Minutes of January 24, 2007.

#### APPROVAL OF THE CONSENT AGENDA.

- 3. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of January 22, 2007.
- 4. Acknowledge receipt of the Parks & Recreation Report.
- 5. Parks and Recreation Meeting Minutes for the month of December 2006. (Meeting cancelled due to inclement weather).
- 6. Parks and Recreation Meeting Minutes for the month of January 2007. (Meeting cancelled due to lack of quorum).
- 7. Acknowledgement of the Animal Control Report for the month of January, 2007.
- 8. Approval for Grant Agreement for Project 06-L-G-525.

#### MATTERS FROM THE MUNICIPAL JUDGE.

None.

#### PUBLIC HEARINGS – LEGISLATIVE PROCEDURE.

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Certification that Public Notice of this Meeting has been posted as required:
Noted:
Confirmation of no conflicts of interest/ex parte.
Noted:

- 9. Rezoning of Commercial Property to Special Use for a Storage Unit Development located on the South of Dinkle behind John Brooks Store.
- 10. Annexation and Zoning request for approximately 1,624 acres adjacent to the eastern boundary areas of the Town of Edgewood.
- 11. Annexation & Zoning for 40 acres located in section 29 south of Las Lomitas, requesting Residential-1 (R-1).
- 12. Zoning clarification for property on the western side of Highway 344 and southern portion of Frost Road.

- 13. Annexation & Zoning request for approximately 1280 acres adjacent to the Municipal Boundary in Sections 2, 10, and 11 T10N, R7E and Section 35 T11N, R7E N.MP.M. in Santa Fe County.
- 14. Annexation & Zoning Requests for approximately 75 acres adjacent to the Municipal Boundary in Section 28, T10N, R7E, N.M.P.M. Santa Fe County.
- 15. Annexation & Zoning for 410 acres located in Section 26 T10N, R7E, N.M.P.M. in Santa Fe County.
- 16. Annexation & Zoning for 46 acres located adjacent to the Municipal Boundary in Section 27, T10N, R7E, and Lots 3-R, 4-5, 6, and 8 in Block 2 of Carl's Subdivision.
- 17. Rescind the Ordinance creating the Parks and Recreation Advisory Commission to replace with a Recreation Advisory Committee.

#### MATTERS FROM THE MAYOR.

MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

MATTERS FROM THE ATTORNEY.

MATTERS FROM THE TOWN ADMINISTRATOR.

Finance and Administration.

Community Planning & Development.

#### RESOLUTIONS.

18. Resolution No. 2007-04 - Support for E.M.W. Gas Association

#### ANNOUNCEMENTS AND CALENDAR REVIEW.

19. New Mexico Municipal Day Update.

PUBLIC COMMENTS. (7:30 P.M. – Limit to 2 minutes per person).

CLOSED SESSION. As per motion and roll call vote, pursuant to 10-15-1(H)(8), the following matter will be discussed in Closed Session.

20. Property Acquisition for Real Estate Lease Negotiations.

ADJOURN.

P.S. Mayor's Quote for this meeting:

You increase your joy by increasing the pure joy of others.

- Torkim Saraydarian - Scholar and sacred music composer

# MINUTES TOWN OF EDGEWOOD REGULAR COUNCIL MEETING – FEBRUARY 7, 2007 @ 6:30 P.M. Please Silence All Electronic Devices

WORK SESSION: 6:00 P.M. – No Action – Open to the Public and Media to be held at the Community Center.

Mr. Condrey distributed the "Draft" Agenda for the Council Meeting of February 21, 2007. Mayor Calkins requested the Council to review their meeting packets prior to each meeting which are available Monday afternoon prior to the scheduled meeting and to please call if there are any questions.

#### CALL TO ORDER.

Mayor Calkins called the Meeting to order at 6:30 P.M. All Councilors were present.

Also present were Mr. David Henderson, Town Attorney, Mr. Jeff Condrey, Town Administrator, Ms. Karen Mahalick, Community Planning & Development Manager and Estefanie Muller, Deputy Clerk.

#### PLEDGE OF ALLEGIANCE.

#### APPROVAL OF THE AGENDA.

Councilor Simmons made a motion to approve the Agenda as presented. Councilor Ring seconded the motion. Councilor Felton requested discussion and asked Mr. Henderson for advise and stated in the last meeting the Council considered a call to rescind the Ordinance creating the Parks and Recreation Advisory Commission, (Item #17) no action was taken, no motion was made to send this to Public Hearing and no vote was taken, the Meeting was adjourned with no action taken which would carry the motion at that point. Councilor Felton is surprised to see this item on tonight's Agenda as a Public Hearing, without the Council moving to do this. Mayor Calkins stated Mr. Henderson was not at the previous meeting and wasn't sure if he could comment on this. Mr. Henderson stated the item is on the Agenda and the crux of the objection goes to whether or not the Council is ready to consider it, they (Council) have the option to move to table something if the Council feels it is not ready for Public Hearing then it is up to Council to discuss and vote on that motion. Councilor Felton stated the item is not listed as an item to consider but is listed for Public Hearing and again suggested there has not been adequate discussion and there hasn't been a motion or a vote that the Council in fact should have a Public Hearing on this matter. Councilor Simmons stated tonight's Agenda is packed and that the item be tabled in any event to another date such as the next Council Meeting, as this would be ill timing to consider this item tonight.

Councilor Felton asked this be postponed and seen on the Agenda for discussion and then a proper motion on a decision by the Council whether or not to go to a Public Hearing. Mayor Calkins asked if Councilor Felton would like to see this on for the next Meeting. Councilor

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Felton stated absolutely. Councilor Simmons made a motion to amend her motion to remove Item #17 from the Agenda. Councilor Ring seconded the motion.

Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

#### APPROVAL OF THE MINUTES.

- 1. Regular Council Meeting Minutes of January 17, 2007.
- 2. Special Council Meeting Minutes of January 24, 2007

Councilor Ring made a motion to approve the Minutes of January 17, 2007 and the Minutes of January 24, 2007. Councilor Felton seconded the motion. Councilor Ring made a motion to amend his motion approving the Minutes of January 17, 2007 as additional language to Item 7 was requested by Councilor Felton. Councilor Simmons seconded the motion.

Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

#### APPROVAL OF THE CONSENT AGENDA.

- 3. Acknowledge receipt of the Planning & Zoning Commission Meeting Minutes of January 22, 2007.
- 4. Acknowledge receipt of the Parks & Recreation Report.
- 5. Parks and Recreation Meeting Minutes for the month of December 2006. (Meeting cancelled due to inclement weather).
- 6. Parks and Recreation Meeting Minutes for the month of January 2007. (Meeting cancelled due to lack of quorum).
- 7. Acknowledgement of the Animal Control Report for the month of January, 2007.
- 8. Approval for Grant Agreement for Project 06-L-G-525.

Councilor Simmons made a motion to approve the Consent Agenda, Items 3 - 8 as presented. Councilor Hill seconded the motion.

Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

#### MATTERS FROM THE MUNICIPAL JUDGE.

None.

#### PUBLIC HEARINGS - LEGISLATIVE PROCEDURE.

Mr. David Henderson reviewed the Public Hearings and stated Items #9-16 listed will be Quasi Judicial Hearings and proceeded to inform the public of the process involved.

Mr. Henderson proceeded to swear in Ms. Karen Mahalick to which she certified that Public

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Notice of this Meeting has been posted as required.

All Councilors affirmed they did not have any conflict of interest or ex parte contacts.

Councilor Felton inquired from Mr. Henderson and stated he had heard from constituents in the process such as this, it is the understanding that Mayor Calkins take the oath, as he was the deciding vote regarding commercial annexation and will be a voting member of this Governing Body. Mayor Calkins stated he had no conflict of interest or ex parte contacts.

9. Rezoning of Commercial Property to Special Use for a Storage Unit Development located on the South of Dinkle behind John Brooks Store.

Ms. Mahalick stated the Planning Commission reviewed the development plans and all plans submitted and recommends Zoning for the Special Use. The applicant will bring access roads up to code and up to fire code and have complied with all regulations.

Mr. Larry Jameson inquired if this would impact his fence line to which Ms. Mahalick stated no.

Ms. Cheryl Huston was sworn in. She stated she could answer any questions Mayor Calkins or the Council had. Councilor Simmons asked how on many storage units? Ms. Huston stated Phase I will have 100 storage units and upon completion there will be 235, which will consist of 5x10, 10x10, 10x15, 10x20 and 10x30. Ms. Mahalick added storage units are limited to a 2-acre site.

Councilor Simmons made a motion to accept the rezoning of Commercial Property to Special Use for a Storage Unit Development located on the South of Dinkle behind John Brooks Store. Councilor Ring seconded the motion.

Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Ring voted aye. The motion carried.

10. Annexation and Zoning request for approximately 1,624 acres adjacent to the eastern boundary areas of the Town of Edgewood.

Ms. Mahalick stated she would defer this item to Mr. Tim Oden as he has a presentation for Mayor Calkins and the Council. This application has been on-going since in September 2006. An early notification meeting was held at the Edgewood Community Center where approximately 20 people attended to discuss the proposed annexation. The Planning Commission met February 5<sup>th</sup> and approved the recommended zoning as presented. A modification was received Monday on Mr. Walker's property. Mr. Henderson inquired if all the property owners consented to the annexation, to which Ms. Mahalick stated no. Some owners signed the petition which was 54% and the percentage increased when the Walker property signed also. Other properties came in as in-fill. Mr. Henderson viewed the map of the proposed annexation. The properties are contiguous with the Town of Edgewood boundaries. The requested zoning is mixed with Residential-1, Residential-2, and Commercial. The Planning Commission approved the proposed zoning. Ms. Mahalick stated the Walker property page 3 of 12

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mentioned earlier are reviewing the commercial zoning. A letter was received from Santa Fe Assistant County Attorney asking the Town to delay action on this item until their Commission could review. Mayor Calkins stated Mr. Condrey and he had met with the Commissioner and Attorney to which the Commissioner voiced his concerns and after discussion the Attorney stated they have no problem go ahead. Mr. Henderson asked if any delays are needed. Councilor Felton asked if Ms. Mahalick was aware of the conversation to which she stated no and he also asked if this would be received in writing. Councilor Simmons stated she had also had a conversation with the Commissioner on this issue and the Commissioner said there was no reason to delay. Mayor Calkins stated the Commissioner inquired about the roads and if the Town would take care of the roads, to which he said yes, the ones in the subdivision. Councilor Ring stated the roads the Town takes care of are the ones presently dedicated to the County that they maintains, if they are not public roads they would need to be dedicated to the Town and this could be discussed further. Councilor Ring also addressed the letter from the County Attorney. Mr. Henderson also commented on the letter received

Councilor Felton asked about the Town's ability to maintain these roads. Ms. Mahalick stated she had spoken to the Road Supervisor to which he had stated it would benefit to solidify this area, as they go down a road and have to stop although for some time the Town has taken care of Santa Fe County roads. Council discussed the map and the proposed areas. Mayor Calkins asked about the Planning Commission decision and the areas proposed.

At this time Mr. Tim Oden was sworn in. He proceeded to present his packet made available to the Council for review. Mr. Henderson asked if the owners of the small areas (4) highlighted signed the petition for annexation. Mr. Oden stated no, three areas signed and the smallest area of 1 ¼ acres did not sign the petition. Mr. Henderson stated this is not a tract of land that is outside the Town and not contiguous with the Town where a majority of the property owners have petitioned. Mr. Oden stated no. Mr. Oden continued to review the zoning of the areas.

Ms. Tammy Cordell was sworn in. She pointed out property on the map and if this was a part of the annexation, to which Mr. Oden stated no. She was notified because of being within 500 feet of the petitioned areas. This area is Item #13 on the Agenda tonight.

Ms. Mahalick stated the Walker family petition is for 110 acres which brings the percentage to 61%. Councilor Felton asked on clarification of the 54% of owners who signed the petition or 54% of acreage. The acreage is 54% for petition. Mr. Oden referred to the Town's Comprehensive Plan for water, land use, trails and parks. He addressed Bassett Blvd's width with the trail.

#### At this time Public Comments were addressed.

Ron Bernier, President of the Chamber of Commerce stated Mr. Roger Holden's son died and a Sympathy Card is available for signature.

Mr. Gary Dodd asked about the annexation of Timberline Road and the Town to take over maintenance of it. Councilor Ring stated Southwood may or may not be in the Town limits. He further stated when the subdivision was platted, if the road was dedicated and maintained by Santa Fe County, upon annexation the Town would maintain the road. If the road was not

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maintained by the County, and is in the Town limits, in order to have the Town maintain, all property owners (100%) would need to participate in dedicating the road.

Ms. Sue West discussed the Community on the Way (COW) Awards and nomination forms available. On March 19<sup>th</sup> a banquet will be held to announce the winners at the Masonic Lodge. This is sponsored by the Town of Edgewood, Chamber of Commerce, and the Mountain View Telegraph.

#### At this time the Public Hearing was continued.

Councilor Ring thanked Mr. Oden for the presentation and asked about the home sites and if this would be for all income levels for size, multi-family, town homes. Mr. Oden stated they tried to conceptualize with 1.3, 1.5 acre lots that would fit with infrastructure for utilities and this concept is open to the Town to discuss affordable aspects. Councilor Ring inquired on road maintenance and the roads would be paved within the sub-divisions and if this includes Workforce Housing and Retirement Homes for Senior Citizens. He also inquired on the project beginning to which Mr. Oden stated if annexed a portion of the development would begin within the next 2 to 3 years. Councilor Felton asked if there would be zone change requests, Mr. Oden stated he does not feel there would not be the need for zone changes requests as this is working with any group in any type of housing market.

Councilor Hill asked if a variety of housing and price ranges be allowed. Mr. Oden stated yes. Councilor Simmons asked on the projected lots anticipated. Mr. Oden stated approximately 700 to 750 single family dwellings. There are 210 acre feet of water rights converted but were unsure of American Water Co. requirements. The Town will not be required to provide water; this will be between the Sub-division and the water company.

Mr. Charles Price was sworn in. He is the Attorney representing the Walker family who owns the 110 acres. The Walkers joined the petition to annex and they are requesting R-1 zoning and they do not want R-2 zoning. Surrounding properties are R-1 zone. Mr. Price also addressed the Bassett Road 50 foot dedication and the commercial zoning.

Mr. Henderson asked Ms. Mahalick if the Planning & Zoning would need to consider zoning request for R-1. Ms. Mahalick stated in her opinion of the Walker's request for R-1, it is contiguous and of the same character. No plan from the Walker family has been received.

Councilor Hill asked Ms. Mahalick if the Planning & Zoning Commission had a concern for C-2 with no site plan. Ms. Mahalick stated because of no infrastructure coming in the Commission conceded. Councilor Felton discussed the water treatment temporary evaporation system. Ms. Mahalick stated this would be beneficial to the plant to have the wide road with landscape and median be a plus. Councilor Simmons if water would be provided to any parks and if applicant be requested for additional land or would applicant return later. Ms. Mahalick stated all this is conceptual at this time. Councilor Felton asked Ms. Mahalick if this proposed development would be tying into the wastewater treatment system to which she stated this is a concept not a Master Plan.

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Ms. Marilyn Hardy was sworn in. She stated she did not want to be annexed into the Town. She

owns property on the corner of Venus Lane and Laura Lane and owns 40 acres that was divided into 10 acre lots. She did not receive notification of the Planning & Zoning meeting or the Council Meeting. Mr. Henderson stated there was sworn testimony by Staff of notice in the newspaper and in various locations as well as mailed notices. Laura Lane is not a dedicated road. Ms. Hardy asked about being annexed other than R-2 zone. Mr. Henderson reviewed the procedure for annexation; she would need to present a plan and zone request. She also asked if Venus Road would be paved to which Ms. Mahalick stated someday.

Mr. Phil Anaya was sworn in. He asked the Council to look hard at the annexations as they are beneficial to the Town and the school system. Families coming in do not have many children as they did in the past. Bassett Blvd. is a reality, and as a school bus route having it paved is beneficial. The Town can still be rural type and still have city amenities. The Legislature is working to keep the schools open at this time. The school reports show a drop in enrollment.

Mr. Henderson asked the Council to remove the small parcel of land of approximately 1 ½ acres not petitioned by Mosley and Venus Road. Councilor Ring referred to the State law on notification sent, not law they are noticed.

Councilor Simmons made a motion to accept the annexation presented with the exception of 1 ½ acres by Mosley and Venus Road. Councilor Hill seconded the motion.

Mr. Patrick Dotson was sworn in. He stated the area he lives in is against the annexation. Upon review, his area is a part of Item #13. Councilor Ring noted the 110 acres by the Walker family is a part of this 1600 acre presentation and it was part of the 61%.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Councilor Hill made a motion to approve the zoning as presented with an exception of the Walker's 110 acres to be R-1. Councilor Simmons seconded the motion.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

11. Annexation & Zoning for 40 acres located in section 29 south of Las Lomitas, requesting Residential-1 (R-1).

Ms. Mahalick stated she has requested further information from the applicant and has received no response to the development or the infrastructure has been given to the Town. The property is landlocked.

Councilor Ring made a motion to table this item. Councilor Hill seconded the motion.

Councilor Ring voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor

